

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6307**

**BILL NUMBER: SB 73**

**DATE PREPARED:** Feb 17, 2000

**BILL AMENDED:** Feb 16, 2000

**SUBJECT:** OWI causing death.

**FISCAL ANALYST:** Jim Sperlik

**PHONE NUMBER:** 232-9869

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) (A) This bill provides that a person who causes the death of another person while operating a motor vehicle with a certain controlled substance or its metabolite in the person's body commits a Class C felony. (B) It specifies that during the 90 day period following the issuance of a probationary driver's license, the probationary driver may not operate a motor vehicle in which there are passengers unless another individual who: (1) is at least 21 years of age; and (2) holds a valid operator's license; is present in the front seat of the vehicle. (C) The bill also makes an exception if each passenger in the motor vehicle is a sibling of the probationary driver. (D) It makes the criminal penalties for offenses relating to cocaine equivalent to the penalties for offenses relating to methamphetamine. (E) The bill provides that a person who operates a motor vehicle: (1) while the person's driving privileges are validly suspended under certain circumstances; or (2) in violation of restrictions imposed by habitual offender laws; and after notice has been mailed to the person's last known address, commits a Class D felony.

**Effective Date:** July 1, 2000.

**Explanation of State Expenditures:** (Revised) (A) This bill impacts the number of future prosecutions of operating a vehicle with a controlled substance or its metabolite in the body. The sentence for a Class C felony is two to eight years and is dependent upon mitigating and aggravating circumstances.

The average expenditure to house an adult offender was \$17,500 in FY 98. Individual facility expenditures range from \$11,900 to \$29,400. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

(B) & (C) These sections will have no fiscal impact.

(D) This section makes the criminal penalties for offenses relating to cocaine equivalent to penalties relating

to methamphetamine. The specific impact will depend upon what section of the Indiana Code is affected. The penalties range from a Class D felony to a Class A felony.

(E) This part provides that a person who operates a motor vehicle: (1) while the person's driving privileges are validly suspended under certain circumstances; or (2) in violation of restrictions imposed by habitual offender laws; and after notice has been mailed to the person's last known address, commits a Class D felony.

A Class A felony is punishable by a prison term of thirty years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$17,500 in FY 1998. Individual facility expenditures range from \$11,900 to \$29,400. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class A felony offenders is approximately eight years, four months.

A Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances. (See above for average expenditures). The average length of stay in DOC facilities for all Class B felony offenders is approximately three years, seven months.

The sentence for a Class C felony is two to eight years and is dependent upon mitigating and aggravating circumstances.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. (See above for average expenditures). The average length of stay in DOC facilities for all Class D felony offenders is approximately ten and a half months.

**Explanation of State Revenues:** The maximum fine for a Class A through D felonies is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

**Explanation of Local Expenditures:** Defendants may be detained in county jails prior to their felony court hearings. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** When court actions occur and guilty verdicts are entered, local governments receive revenue from the following sources: (1) The county general fund receives 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** . Trial courts, local law enforcement agencies.

**Information Sources:** Department of Correction. Indiana Sheriffs Association.